

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 15-1556 MMM (MRW)	Date	December 14, 2015
Title	Elsmore v. CHP		

Present: The Honorable	Michael R. Wilner
Veronica McKamie	n/a
Deputy Clerk	Court Reporter / Recorder
Attorneys Present for Plaintiff / Petitioner:	Attorneys Present for Defendant / Respondent:
None present	None present

Proceedings: ORDER TO SHOW CAUSE RE: DISMISSAL OF CIVIL ACTION

Plaintiff filed this pro se civil rights action in August 2015. Although he is representing himself, Plaintiff did not request a waiver of the filing fee or ask the Court to effect service of process for him. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff was required to serve the named defendants with the summons and complaint within 120 days of the commencement of the action, or by December 1, 2015.

According to the Court's review of the docket, he failed to do so. Specifically, Plaintiff did not request the issuance of a summons from the clerk until early November 2015, and has not filed a proof of service of process. Moreover, no defendant has appeared in the action to date. The Court observes that Plaintiff did not request an extension of the statutory time period.¹

The action is subject to dismissal for failure to prosecute. However, in the interest of justice, the Court will give Plaintiff one opportunity to explain the status of the case. Therefore, it is ordered that Plaintiff must show cause why this action should not be dismissed. Plaintiff may discharge this order by filing a statement (not to exceed 3 pages excluding exhibits) by or before December 30, 2015, addressing the issues set forth above. If no timely response is filed, the Court will recommend dismissal of the action with prejudice pursuant to Rule 41. Alternatively, Plaintiff may voluntarily dismiss the action with no further consequence.

¹ By contrast, the Court is aware that Plaintiff was able to effectively serve the parties in a timely manner in a companion case pending in this Court. (Elsmore v. County of Riverside, ED CV 15-1088 MMM (MRWx) (C.D. Cal.).)